

REMARKS

Applicants respectfully request that the above-identified application be re-examined.

Claims 1-50, amended by applicants in Amendment A filed June 23, 2004, were again rejected in the January 4, 2005 final Office Action ("Office Action") for the same reasons cited in the March 24, 2004 first Office Action.

Claims 1, 4, 6, 7, 9, 11, 14, 16, 17, 21-23, 26, 29, 31, 35, 38, 40, and 46 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2001/0056434 A1 to Kaplan et al. ("Kaplan").

The remaining dependent claims, Claims 2, 3, 5, 8, 10, 12, 13, 15, 18-20, 24, 25, 27, 28, 30, 32-34, 36, 37, 39, 41-45, and 47-50, were rejected under 35 U.S.C. 103(a) as being obvious in view of the teachings of Kaplan and other references. First, Claims 2, 5, 12, 15, 27, 30, 36, 39, 45, 47, and 48 were unpatentable in view of Kaplan taken in view of U.S. Patent No. 6,111,586 to Ikeda et al. ("Ikeda"). Second, Claims 3, 13, 18, 20, 24, 28, 37, 43, 49, and 50 were rejected as unpatentable in view of Kaplan taken in view of U.S. Patent No. 6,415,320 to Hess et al. ("Hess"). Third, Claims 8, 19, 32, 33, 41, 42, and 44 were rejected as unpatentable in view of Kaplan taken in view of U.S. Publication No. 2001/0040551 A1 to Yates et al. ("Yates"). Fourth, Claims 10 and 34 were rejected as unpatentable in view of Kaplan taken in view of Doug MacDonald, *NWA-PCUG Newsletter Article* (1998) ("MacDonald"). Finally, Claim 25 was rejected as unpatentable in view of Kaplan taken in view of Hess (as applied to Claim 24 above), and further in view of U.S. Publication No. 2003/0208556 A1 to Friedman et al. ("Friedman"). While applicants believe that the previously submitted claims were allowable for at least the reasons set forth in Amendment A, in order to advance the prosecution of this application, this response amends Claims 1-6, 9-17, 20, 21, 24, 26-31, 34, 35, 45, 46, and 49. In view of the

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remarks set forth below, applicants respectfully request reconsideration and submit that all claims, particularly as amended, are in condition for allowance.

Prior to discussing in detail why applicants believe that all of the claims in this application are allowable, a brief description of applicants' invention and a brief description of the teachings of the cited and applied references are provided. The following background and the discussions of the disclosed embodiments of applicants' invention and the teachings in the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, such discussions are provided to help the Office better appreciate important claim distinctions discussed thereafter.

Summary of the Invention

Novice computer users and users of televisions equipped with set-top boxes can have difficulty using interfaces to access digital media that require a high degree of computer familiarity. In particular, those using set-top boxes must rely on conventional television controls, and not the keyboard and mouse typically available with a personal computer. Today's user interfaces for presenting digital media are not readily accessible to novice computer users or users of televisions equipped with set-top boxes. Thus, a need exists to further improve the ease-of-use and presentation of digital media, both for the benefit of novice computer users and especially for users of televisions equipped with set-top boxes.

The present invention is directed to a system and method for providing a user interface for receiving user input and presenting digital images (or still photographs) to a user. The user interface presents the digital images using graphical representations of real-world environments, that is, using graphical representations of non-digital, user-familiar formats in which the images are commonly found, such as photo albums, books, film strips, framed works of art on walls, etc. The present invention also discloses a user interface requiring a minimal number of user inputs,

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such as up, down, left, and right cursor direction control and selection, for the user to select, edit, and arrange components of the presented digital images.

The interface presents collections of digital images to a user. The collections are presented in a format selected by the user and have arrangements and properties determined by the user. The collections of digital images may include photographs, with the collections presented as photo albums, for example. Presentation of the contents of the photo albums can be determined by the user, and can include presentation as an album, as a gallery of pictures, as a storybook having pictures and associated text, as a strip of film, or as a slide show. Selection of individual photographs within a collection can be accomplished by user actuation of cursor control and selection keys. The interface may include menus from which operations can be selected by use of the cursor control and selection keys. Such operations allow the user to create, edit, and arrange collections of digital images, to establish associated properties, to input text concerning the images and the user, to view the images, and to purchase products incorporating the images.

The Main Reference – U.S. Patent Publication No. 2001/0056434 A1 to Kaplan et al. ("Kaplan")

Kaplan generally teaches a system and method for managing multimedia data files, i.e., keeping track of and organizing computer files containing multimedia content. Kaplan teaches the use of thumbnails 36 to represent multimedia files to purportedly provide users with a more intuitive (i.e., visual) method of managing computer files, such as multimedia content, as users do not have to remember file names. See Paragraph 0040.

As shown in FIGURE 2, Kaplan teaches a user interface 12. The user interface 12 may have an entertainment center appearance with media displayed on a monitor or TV representation. The user interface 15 also may include control buttons 15 for controlling viewing and other options associated with the multimedia management system 10 and for organizing and

handling media and media presentations, as well as representations of audio/video components 17 and representations of media types 19. See Paragraph 0039.

The user interface presents a plurality of thumbnails 36 to the user. Each thumbnail represents and displays a container 48. The containers 48 are essentially graphical representations of the entries in the multimedia database, which point to the actual physical files in the computer system. A user can set up any number of containers 48 to represent various types or categories of multimedia content. The image assigned to the thumbnail 36 will be used to identify the contents of a particular container 48. For example, the thumbnail 36 may be a graphical representation of an image in space 54 to represent a container with photos of space, or a distinctive image 48 to represent a container with photos of the kids. See Paragraph 0042; FIGURE 7.

The graphical representations, or thumbnails 36, are selectable by a user. The user can configure the multimedia content and select the thumbnails 36 using a mouse, keyboard entry, direct contact to a touch screen display, or a voice recognition device. See Paragraph 0040.

The Secondary References

Ikeda generally describes an electronic photo album with a mount 70 for setting or displaying depictions of photographs in an open photo album. See Col. 9, lines 59-67; FIGURE 3B. Ikeda also describes presenting the depictions of photographs and associated text or characters in the photo album. See FIGURE 3A ("Photo Album, Pleasant Kyushu Tour" and FIGURE 3B "Autumn Leaves in Kagoshima").

Hess generally teaches a Gallery presentation format, wherein framed pictures are displayed in Gallery presentation format (rather than text-based item listing format). See Col. 9, lines 41-59. Referring to FIGURE 9B, each individual item 910 includes a thumbnail image 920, a title 915, a current minimum bid 930, and the auction ending time 950. Hess also

generally teaches online trading wherein a perspective buyer is able to select an image/item of interest for purchase. See FIGURES 9A and 9B.

Yates generally teaches an on-screen keyboard for entry of text. Referring to FIGURE 1, input peripheral 10 includes a top surface 12 having a touch pad 14, a pan and scroll bar region 16, a set of user-definable or preset function key 18, and a row of activation mode button 20. See Paragraph 0044. The pan and scroll bar region 16 allows the operator to use up, down, left, and right arrows 28, 30, 32, and 34. See Paragraph 0045.

The MacDonald reference generally teaches a bookcase containing multi-shelf libraries that contain digital photo albums or other graphics albums. See page 1.

Finally, Friedman generally teaches a system for enabling on-line creation of greeting cards customization (e.g., entering text associated with the card) and distribution of the cards with gifts to a designated recipient. See Abstract; Paragraph 0014.

Rejections Under 35 U.S.C. 102(e)

Claims 1, 4, 6, 7, 9, 11, 14, 16, 17, 21-23, 26, 29, 31, 35, 38, 40, and 46 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2001/0056434 A1 to Kaplan et al. ("Kaplan").

Regarding Claim 1 (and presumably Claim 26), the Office Action states that Kaplan teaches a method for managing multimedia data files, the method including a user interface for displaying or presenting digital media images on a monitor, allowing the user to manipulate the images, and receiving user input from an input device. The Office Action further states that the user interface of Kaplan includes a plurality of graphical representations presented to the user, wherein each graphical representation is associated with a respective digital media item (e.g., categories of movies, photo, sound, or depicting one of a plurality of "user-familiar environments," e.g., favorite pictures of kids, kids at the farm), and each graphical representation

is selectable by the user. Additionally, the Office Action states that the user interface of Kaplan includes a menu having a plurality of menu options selectable by the user, and the user can configure the digital media items and select the graphical representations and the menu options with up, down, left, right, and selection instructions.

Of the claims rejected under 35 U.S.C. 102(e), only Claim 1 and 26 are independent claims. Applicants have amended Claims 1 and 26 to more particularly point out and distinctly claim the subject matter that applicants regard as being their invention.

In its presently amended form, Claim 1 reads as follows:

1. A user interface for receiving user instructions from an input device, and for presenting digital media to a user and allowing user manipulation of that media, the interface comprising:

a plurality of digital media items configurable by the user, wherein the plurality of digital media items only include digital images;

a plurality of graphical representations presented to the user, each of the graphical representations associated with a respective one of the digital media items, each of the graphical representations depicting one of a plurality of non-textual user-familiar formats, each of the formats identifying a particular type of media file, and each of the graphical representations being selectable by the user; and

a menu having a plurality of menu options selectable by the user, said menu options allowing the user to configure the digital media items and choose a graphical representation with up, down, left, right, and selection instructions.

In its presently amended form, Claim 26 reads as follows:

26. A method of presenting a plurality of digital media items to a user and for allowing manipulation of those media items by the user, wherein the plurality of digital media items only include digital images, the method comprising:

presenting a plurality of graphical representations to the user, each of the graphical representations selectable by the user, each of the graphical

representations associated with a respective one of the digital media items, and each of the graphical representations depicting one of a plurality of nontextual user-familiar formats, each of the formats identifying a particular type of media file;

presenting a menu to the user, the menu including a plurality of menu options selectable by the user; and

providing the user with selection control of the graphical representations and the menu options by use of up, down, left, right, and selection instructions.

Claims 1 (directed to a user interface) and 26 (directed to a method), as presently amended, both clearly recite a plurality of digital media items that *only* include digital images and a plurality of graphical representations. Each of the graphical representations is recited as associated with a respective one of the digital media. Further, each of the graphical representations is recited as depicting one of a plurality of *nontextual user-familiar formats*, each of the formats recited as identifying a particular type of media file. Thus, in essence, Claims 1 and 26 recite a plurality of graphical representatives, each associated only with respective digital images, each of the graphical representations depicting one of a plurality of *nontextual user-familiar* formats, each of the formats identifying a particular type of media file.

Applicants respectfully submit that Kaplan does not disclose graphical representations depicting nontextual user-familiar formats for identifying the *type* of digital image file that is stored. Rather, Kaplan describes thumbnails and containers: "Each container includes a graphical representation displayed in a thumbnail that allows users *to identify the contents of the container* [e.g., the multimedia files] based upon the graphical representation or image displayed." Paragraph 0042 (emphasis added). The advantage of the graphical representations of Kaplan is that "users do not have to remember file names." Paragraph 0040. For example, images of space are stored in a container with a distinctive graphical representation 54 (as shown in FIGURE 7) that the user conveniently recognizes as file containing images of space.

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In contrast, the present invention displays graphical representations depicting "nontextual user-familiar formats" for displaying "only digital images," such as photo albums, books, strips of film, framed works of art or walls, etc., to allow users *to identify the type of digital media file that is stored* (e.g., whether the digital media file is a photo, a book, a film strip, an album, etc.). The foregoing amendments to Claim 1 and 26 more distinctly point out and claim these distinctions, which are not disclosed or suggested by Kaplan. The advantage of the present invention is that it allows users who do not have a general familiarity with computer user-interfaces to identify the *type* of digital media file that is presented (rather than the *contents* of the file container as described in Kaplan) by looking at the graphical representation associated with the digital images. For example, a plurality of digital images are displayed as photographs in an open photo album or as framed pictures on the wall.

The Office Action states that Kaplan describes "user-familiar formats" for identifying the *type* of digital media, "such as the name or the name extension of the digital media (.mp3, .jpg, .bmp, etc.)," or a "displayed attribute icon, such as a player icon, and an audio icon." Applicants respectfully submit, however, that Kaplan fails to disclose *nontextual user-familiar formats*, that do not use text, such as .mp3, .jpg, or .bmp for "type" recognition. Applicants further submit that Kaplan fails to disclose graphical representations associated with a respective one of the digital media items, wherein the digital media items include *only digital images*, not video or audio files.

Claims 4, 6, 7, 9, 11, 14, 16, 17, and 21-23 depend from Claim 1, and Claims 29, 31, 35, 38, 40, and 46 depend from Claim 26. Therefore, the analysis discussed above with respect to Claims 1 and 26 also applies to Claims 4, 6, 7, 9, 11, 14, 16, 17, 21-23, 29, 31, 35, 38, 40, and 46. Additionally, these dependent claims recite further subject matter that is not taught or suggested by Kaplan. Applicants respectfully submit that Claims 4, 6, 7, 9, 11, 14, 16, 17,

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21-23, 29, 31, 35, 38, 40, and 46 are allowable for this reason in addition to those discussed above with respect to Claims 1 and 26.

Rejections Under 35 U.S.C. 103(a)

In addition to the above 102(e) rejections, dependent Claims 2, 3, 5, 8, 10, 12, 13, 15, 18-20, 24, 25, 27, 28, 30, 32-34, 36, 37, 39, 41-45, and 47-50 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Kaplan and other references. First, Claims 2, 5, 12, 15, 27, 30, 36, 39, 45, 47, and 48 stand rejected as unpatentable over Kaplan in view Ikeda. Second, Claims 3, 13, 18, 20, 24, 28, 37, 43, 49, and 50 stand rejected over Kaplan in view of Hess. Third, Claims 8, 19, 32, 33, 41, 42, and 44 stand rejected over Kaplan in view of Yates. Fourth, Claims 10 and 34 stand rejected over Kaplan in view of MacDonald. Finally, Claim 25 stand rejected over Kaplan in view of Hess (as applied to Claim 24), and further in view of Friedman.

Applicants respectfully note that Claims 2, 3, 5, 8, 10, 12, 13, 15, 18-20, 24, and 25 depend from Claim 1, and Claims 27, 28, 30, 32-34, 36, 37, 39, 41-45, and 47-50 depend from Claim 26. None of the cited secondary references teach graphical representations associated only with respective digital images, each of the graphical representations depicting one of a plurality of non-textual user-familiar formats, each of the formats identifying a particular type of media file. These dependent claims are thus allowable for the reasons discussed above regarding Claims 1 and 26.

In addition, the dependent claims have further limitations that distinguish over the cited references of record, whether taken individually or in combination. Therefore, applicants respectfully submit that Claims 2, 3, 5, 8, 10, 12, 13, 15, 18-20, 24, 25, 27, 28, 30, 32-34, 36, 37, 39, 41-45, and 47-50 should also now be found allowable.

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CONCLUSION

Both of the independent claims in this application (Claims 1 and 26) have been amended to recite that each of the graphical representations is associated with a respective one of the digital images only, and each of the graphical representations depict one of a plurality of nontextual user-familiar formats, each of the formats identifying a particular type of media file. As noted above, this subject matter is not taught or even remotely suggested any of the references cited and applied in the Office Action—Kaplan, Ikeda, Hess, Yates, McDonald, and Friedman. As a result, applicants respectfully submit that the independent claims, and the claims dependent therefrom in this application are clearly allowable. Consequently, early and favorable action allowing these claims is respectfully requested. If the Examiner has any questions, the Examiner is requested to contact applicants' attorney at the number set forth below.

Respectfully submitted,

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